

## REMARKS

Applicant expresses appreciation to the Examiner for consideration of the subject patent application. This amendment is in response to the final Office Action mailed April 15, 2005, and the Advisory Action, mailed July 7, 2005. Claims 1-7, 9-11, 24, 25, and 28-41 were rejected. This response is accompanied by a request for continued examination (RCE).

Claims 1-7, 9-11, 24, 25, and 28-41 remain in the application. Claims 1-27 were originally presented. Claims 8, 12-23, 26 and 27 were previously canceled. Independent claims 1, 24 and 30 have been amended.

### **Claim Rejections - 35 U.S.C. § 102**

Claims 1-7, 9, 11, 24, 25 and 30-39 (including independent claims 1, 24 and 30) were rejected under 35 U.S.C. § 102(b) as being anticipated by Morikawa. Applicant respectfully traverses this rejection for the reasons identified below.

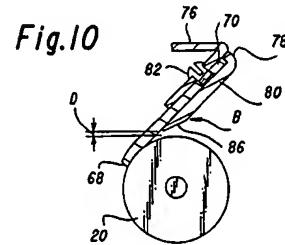
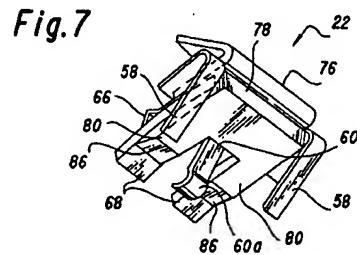
The final Office Action added the argument that the surfaces 68 and 86 in FIG. 7 of Morikawa form an indentation.

Applicant notes, however, that such an indentation (68 and 86 in FIG. 7 of Morikawa) does not have a vertical surface. FIGs. 10 and 11 of Morikawa clearly show that any indentation created by surfaces 68 and 86 does not have a vertical surface, but instead has surfaces oriented at an acute angle with respect to horizontal.

In contrast, independent claims 1 and 30 set forth: "an indentation ... having a vertical surface."

Therefore, Morikawa fails to disclose each element of claims 1 and 30, and thus does not anticipate claims 1 and 30.

Therefore, Applicant respectfully submits that independent claims 1 and 30 are allowable, and urges the Examiner to withdraw the rejection. Dependent claims 2-7, 9, 11, and 31-39 are allowable for at least their dependence on an allowable independent claim.



In addition, the Morikawa reference fails to disclose an inclined surface oriented at an obtuse angle with respect to the media stack. Morikawa clearly shows engaging the media stack at an acute angle.

In contrast, independent claim 24 sets forth:

“an inclined surface defined by being engageable with a leading edge of a media stack and oriented at an obtuse angle with respect to the media stack.”

Therefore, Morikawa fails to disclose each element of claim 24, and thus does not anticipate claim 24.

Therefore, Applicant respectfully submits that independent claim 24 is allowable, and urges the Examiner to withdraw the rejection. Dependent claim 25 is allowable for at least its dependence on an allowable independent claim.

#### **Claim Rejections - 35 U.S.C. § 103**

Claims 10 and 38 were rejected under 35 U.S.C. § 103 as being unpatentable over Morikawa.

Dependent claims 10 and 38 are allowable for at least their dependence on an allowable independent claim.

Therefore, Applicant respectfully submits that claims 10 and 38 are allowable, and urges the Examiner to withdraw the rejection.

Claims 28, 29, 40 and 41 were rejected under 35 U.S.C. § 103 as being unpatentable over Morikawa in view of Shikan (JP 2004269231). Applicant respectfully traverses this rejection for the reasons set forth below.

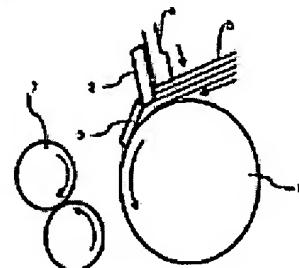
Initially, claims 28, 29 and 40 are allowable for being dependent on allowable independent claims 1 or 30. As described above, the Morikawa reference fails to teach or suggest an indentation with a substantially vertical surface, but instead teaches surfaces with acute angles. The Shikan reference does not correct this deficiency because Shikan also fails to teach or suggest an indentation with a substantially vertical surface. Therefore, Morikawa and Shikan fail to teach or suggest all the elements of the claims, namely an indentation with a

substantially vertical surface. Therefore, dependent claims 28, 29 and 40 are allowable because independent claims 1 and 30 are allowable.

With respect to independent claim 41, both the Morikawa and the Shikan references fail to teach and disclose an inclined surface engaging a media stack at an obtuse angle. The final Office Action acknowledges that Morikawa fails to teach or suggest that the inclined surface is oriented at an obtuse angle with respect to the media stack. The final Office Action, however, cites Shikan for teaching a spring pick block 4 with an inclined surface that is oriented at an obtuse angle with respect to the media stack 5.

The spring pick block 4 of Shikan, however, appears to rest on top of the media stack 5. Shikan does not teach or suggest an inclined surface engageable with the media stack that is oriented at an oblique angle with respect to the media stack. (Applicant notes that an oblique angle is one that is greater than 90 degrees and less than 180 degrees.) The spring pick block 4 of Shikan engages the media stack with a bottom surface that is oriented at zero angle. Other surfaces of Shikan, such as 2, engage the media stack at 90 degrees, while other surfaces, such as 3, engage the media stack at an acute angle (less than 90 degrees).

(Ex 6)



Applicant notes that the Office Action fails to specify what surface of Shikan is considered obtuse.

In addition, it is unclear to Applicant how to add any structure of Shikan to the Morikawa structure in any meaningful way. The spring pick blocks of Shikan and Morikawa are so different that Applicant cannot ascertain how such a combination would be achieved. Therefore, combining the sited references, Morikawa and Shikan, does not result in the applications as claimed, and/or fails to teach or suggest each and every element of the claims.

Therefore, Applicant respectfully submits that claim 41 is allowable.

From the above, it is also apparent that there is no meaningful motivation to combine the Shikan and Morikawa references. The Office Action states that the motivation to orient the inclined surface of Morikawa at an obtuse angle as shown by Shikan would be to more

effectively position the leading edge of the media stack. As stated above, Shikan fails to disclose any surface that engages the leading edge of the media stack at an obtuse angle. The contents of these references do not support the Office Action's proposed combination. Thus, the Office Action has not established a case of *prima facie* obviousness because the motivation for combination does not arise from the references themselves, and the Applicant respectfully requests withdrawal of these rejections.

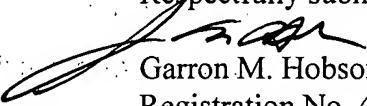
## CONCLUSION

In light of the above, Applicant respectfully submits that pending claims 1-11, 24, 25, and 28-41 are in condition for allowance. Therefore, Applicant requests that the rejections and objections be withdrawn, and that the claims be allowed and passed to issue. If any impediment to the allowance of these claims remains after entry of this Amendment, the Examiner is strongly encouraged to call Robert D. Wasson at (360) 212-2338 so that such matters may be resolved as expeditiously as possible.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 08-2025.

DATED this 28 day of ~~August~~<sup>July</sup>, 2005.

Respectfully submitted,

  
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